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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,984	02/13/2002	Cummins Aiken Mebane III	343355600031	6872

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EXAMINER

BATAILLE, PIERRE-MICHE

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,984

Applicant(s)

MEBANE, CUMMINS AIKEN

Examiner

Pierre-Michel Bataille

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is taken in response to Applicant communication filed May 4, 2005 following Office Action rejection dated April 30, 2004 and interview between the examiner and Applicant dated July 23, 2004. Applicant's amendments and/or arguments have been considered with the results that follow.
2. Claims 1-49 are now pending in the application under prosecution as claims 25-29 have been newly added.

Response to Arguments

3. Applicant's arguments filed May 4, 2004 with respect to claims 1-49 have been fully considered but they are not deemed to be persuasive for at least the following remarks.

Applicant has amended the claims to feature "the module operating as a proxy on the first machine is responsible for messages involving another module operating on the first machine and the module operating as a proxy on the second machine is responsible for messages involving another module operating on the second machine."

The addition is the result of agreement that the argued feature, "the election of a proxy as one of a plurality of modules operating as a proxy", does not feature the intended election by the applicant. It was agreed that the claims as recited do not

feature the intended meaning, **as any module in Rudland (US 2002/0062417) acts as a proxy responsible for passing and receiving messages from other modules**

(See note on examiner's interview summary mailed August 31, 2004.

The addition features a repetition of feature present in the claims. In other words, the examiners sees no difference between the added recitation and the recitation, "wherein any one of the modules in the first group may operate as a proxy that is responsible for messages sent to or from the first machine over the data network ring, wherein any one of the modules in the second group may operate as a proxy that is responsible for messages sent to or from the second machine over the data network ring", previously recited in the claims, i.e. the added features do not limit, in any way, the scope of the claims.

Moreover Rudland specifically teaches a first cluster of devices with first gateway 107 operative to communicate details on its respective bus and a second cluster of devices with second gateway 108 operative to communicate details on its respective bus, wherein said first gateway of said first cluster of devices being operative to generate at least one proxy element corresponding to each of said available devices, each proxy element being operative to communicate data and messages between devices on the bus of the first gateway, and wherein said second gateway of said second cluster of devices being operative to generate at least one proxy element corresponding to each of said available devices, each proxy element being operative to communicate data and messages between devices on the bus of the second gateway [Paragraph 0006; 0005].

Claim 24, currently amended to feature the added recitations, as recited in claims 1 and as noted above, is rejected based on the arguments upon which claims 1 is rejected. Newly added claims 25-49 features recitations corresponding to claims 2-23 in method format are therefore rejected based on the arguments upon which claims 2-23 are rejected. The rejected is maintained and repeated below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 12-31, and 35-49 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2002/0062417 (Rudland et al).

With respect to claims 1, 24 and 49, Rudland teaches a bridging system communicating among a plurality of computer based machine through a network (bridging system for communication system; Fig. 1), comprising: a first group of computer modules operating on a first machine (a first cluster of devices with first gateway 107 operative to communicate details on its respective bus); a second group of modules operating on a second machine (a second cluster of devices with second gateway 108 operative to communicate details on its

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respective bus); and a data network ring connected to the first and second group, said modules exchanging messages over the data network (said first cluster of devices and said second cluster of devices arranged to communicate with each other through network bridging) [paragraph 0022], wherein any one of the first modules in the first group may operate as a proxy that is responsible for messages sent to or from the first machine over the data network (said first gateway of said first cluster of devices being operative to generate at least one proxy element corresponding to each of said available devices, each proxy element being operative to communicate data and messages between devices on the bus of the first gateway) and wherein any one of the second modules in the second group may operate as a proxy that is responsible for messages sent to or from the second machine over the data network (said second gateway of said second cluster of devices being operative to generate at least one proxy element corresponding to each of said available devices, each proxy element being operative to communicate data and messages between devices on the bus of the second gateway) [Paragraph 0006; 0005].

With respect to claims 2-3 and 25-26, Rudland teaches (the system as claimed where message are sent from one cluster to another where each proxy element being operative to communicate data and messages between devices on the bus of the first gateway and the device on the second gateway) a message is created by a module in the first group and sent to the proxy of the first group, said first proxy sending the message over the data network to the proxy of the second group and said proxy of the second group sending the message to the other modules on the second group [p. 0006-0012].

With respect to claims 4-8 and 27-31, Rudland teaches a distributive system comprising a first cluster of devices and a second cluster of devices with each cluster of devices being instantiation of the distributive cluster system, wherein the first cluster of devices and the second cluster of devices form equal members of the network group [p.0021].

With respect to claims 12-13 and 35-36, Rudland teaches messages are passed through the gateway without blocking the hosting thread of execution [p. 0042-0044].

With respect to claims 14-17, 37-40, 47-48 and 50-51, Rudland teaches the system as claimed, the computer modules are objects with methods and data structure; ultimate source of a message sent over the data network ring is unknown by ultimate recipient of the message (controllable so that only selected details may be made available to the devices and proxies are operative to decode received data transmissions and re-encode data for transmission to remote devices) [p. 0021 p. 0007 and 0012].

With respect to claims 18-23 and 41-46, Rudland teaches the modules of the first and second group communicate among themselves at a peer-to-peer level or an object level or a pre-selected level (devices are classified according to their communication capabilities including device control modules, the proxy element comprising interface of the device control module) [p. 0030; 0023, and 0011].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-11 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0062417 (Rudland et al) in view of US 6,665,705 (Daniels-Barnes et al).

With respect claim 9-11 and 32-34, Rudland teaches the invention as claimed but fails to specify a cooperating election mechanism wherein another module of the group of modules is selected as a new proxy. However, such feature provides no novelty, as Daniels-Barnes teaches a system where a primary proxy can become unavailable due to network failures, being overrun with client requests, hardware failure, or when the proxy sends an bye-bye message, where a new proxy election mechanism select a new proxy [Col. 5, Lines 38-54]. Therefore, it would have been obvious to one of ordinary skill in the art to select a new proxy when a primary proxy becomes unavailable as the system of Daniels-Barnes provides the mechanism in which multiple proxies may be provided to service requests and appear as a single proxy to the clients and services [Col. 6, Lines 38-54]. The combination is proper because the two references provide clusters based system with proxy replication wherein all devices within a cluster are capable of being operated as proxies [Col. 6, Lines 46-48].

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2002/0184327 (Major et al); US 6,330,605 (Christensen et al) ; US 6,202,169 (Razzaghe-Ashrafi et al).

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

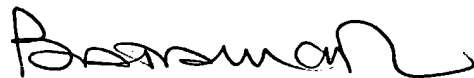
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (703) 305-0134. The examiner can normally be reached on Tue-Fri (7:30A to 6:00P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (703) 305-3821. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre-Michel Bataille
Primary Examiner
Art Unit 2186

August 6, 2005

PIERRE BATAILLE
PRIMARY EXAMINER